

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE: DONALD ERIC WARREN, SR.  
ARKANSAS BAR ID NO. 99007  
CPC DOCKET NO. 2008-104

**FILED**

JAN 16 2009

**LESLIE W. STEEN  
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Arkansas Supreme Court in a referral dated October 2, 2008. The information related to the representation of Lee Mark Harris by Donald Eric Warren, Sr. in 2007 and 2008.

Lee Mark Harris was convicted of possession of cocaine with intent to deliver, a class Y felony. Harris was sentenced to eighty years in the Arkansas Department of Correction on December 14, 2007. Warren filed a timely notice of appeal on Harris' behalf on December 10, 2007.

Rule 5 of the Rules of Appellate Procedure--Civil, requires that the record on appeal is to be tendered to the Supreme Clerk within ninety (90) days of the filing of the first notice of appeal, unless a proper and timely order is obtained extending the filing period for up to the maximum of seven (7) months from the entry of the judgment order from which the appeal is taken. No record was tendered to the Arkansas Supreme Court Clerk within the ninety days of the filing of the first notice of appeal.

On June 27, 2008, Harris filed a *pro se* Motion for Belated Appeal. On October 2, 2008, the Arkansas Supreme Court issued a *Per Curiam* Opinion wherein it treated the Motion for Belated Appeal as a Motion for Rule on the Clerk and granted the motion. In its *Per Curiam*

Order, the Court directed Warren to file a petition for *writ of certiorari* within thirty days to call up the entire record or that portion of the record necessary for the appeal to proceed.

Warren was served with a formal complaint and a response was filed. Warren and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Donald Eric Warren, Sr., failed to timely lodge the record on behalf of his client, Lee Mark Harris, following the filing of the Notice of Appeal in the case of State of Arkansas v. Lee Mark Harris, Desha County Circuit Court Case No. CR2006-126-1. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Donald Eric Warren, Sr failure to lodge the record on behalf of his client, Lee Mark Harris, and his failure to perfect an appeal on behalf of his client, resulted in a delay in the orderly and timely resolution of appellate proceedings and required the Court to expend additional time and effort which would not have been necessary otherwise. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that DONALD ERIC WARREN, SR., Arkansas Bar ID# 99007, be, and hereby is, REPRIMANDED for his conduct in this matter, fined the sum of FIVE HUNDRED DOLLARS (\$500.00) and assessed costs in the amount of FIFTY DOLLARS (\$50.00). The fine and costs assessed herein shall be payable by cashier's

check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL A

By: Steven Shults  
Steven Shults, Chairman

Date: January 16, 2009